

**JANUARY 18, 2007      REGULAR TOWN BOARD MEETING**

Present at meeting:      Ralph Bentley      Supervisor  
                                 Frank Hill      Councilman  
                                 Kenneth Higgins      Councilman  
                                 Robert Olson      Councilman  
                                 Shirley Hayes      Councilwoman  
Gary McMeekin      Zoning Administrator  
Paul Smith      Highway Superintendent  
Mark Schachner, Esq.      Town Counselor  
Arlene Mayer      Town Clerk

Also: Sandy Smith, Chris Smith-Hayes, Harry Balz.

Supervisor Bentley opened the meeting and welcomed the guests.  
Approval of Minutes- The minutes of December 19<sup>th</sup>, 21<sup>st</sup>, 28<sup>th</sup> and January 4<sup>th</sup> were approved by MOTION of Messrs. Hill & Olson, all ayes.

Reports- Supervisor's, Town Clerk, Zoning, Assessor  
Councilman Olson said the zoning update for the year was a good addition to the reports.

Approval of Abstracts:

**RESOLUTION NO. 25 OF 2007**

Mrs. Hayes & Mr. Olson introduced Res. 25 and moved its adoption:

**RESOLUTION TO AUTHORIZE PAYMENT OF ABSTRACTS**

RESOLVED, that the Town Board does hereby authorize the bookkeeper to pay the following abstracts:

Highway Vouchers # 1-21	\$43,346.44
General Vouchers #1-35	\$32,756.82
Highway Abstract 1	\$ 8,458.90
General Abstract 1	\$ 7,700.38

Hill-aye, Higgins-aye, Olson-aye, Hayes-aye, Bentley-aye

Questions on abstracts: Councilman Olson asked if there was any chance the retirement system payment would be lower in the future? Supervisor Bentley said the amount paid is considerably lower than what they first suggested. The question regarding compensation to those who participated in the Master Plan Meetings was then discussed. One member has put in for compensation and the Board feels that if we pay one we must pay all and that was not the understanding of the Board. The compensation will not be paid and Councilman Hill will talk to the person if he gets a chance.

OLD BUSINESS-

Surplus Bids- The Town Clerk opened the three bids for surplus highway equipment on January 16<sup>th</sup>. The bids were as follows:

York Rake- Robert Harrison bid \$106.00  
                         Richard Smith Jr. bid \$215.33  
Ford 1-ton- Bobby Donahue bid \$400.00

Resolution to award bids will be introduced later in the meeting.

Landfill Enclosure- Councilman Hill suggested the materials be purchased and be ready at the landfill for whenever Paul can spare a crew to work on it. HS Smith said it wouldn't take long to frame the enclosure.

Proposed Zoning Additions- Discussion about APA suggestions to previously submitted proposals. New proposal is to add additional sentence to the definition of "Garage, Residential", that sentence being "Detached garage not be habitable space and within which space no business activity or industry connected directly or indirectly with motor vehicle is conducted". Counselor Schachner said that APA may reject the "Garage, Residential" definition unless that last sentence is added. The addition of another definition, "Garage,

Commercial” which was inadvertently left out of the new Zoning Ordinance but was in the old one is also proposed. Councilman Olson asked if we needed to have another public hearing and Counselor Schachner answered, “we do”. ZO McMeekin asked the Board to pay particular attention to the part of the letter from APA, which spoke about the difficulty the Zoning Officer would have in enforcing the “Guest Cottage” definition when it is allowed to have a kitchen in it. Mr. McMeekin said people would stay in a cottage with kitchen facilities a lot longer than they would if the cottage had none. Councilwoman Hayes said if she had a guest in a cottage she would not want them in her kitchen and wants the kitchen facilities left in, Councilman Hill agreed it should stay.

Councilman Olson said that as long as the Board will be going to another public hearing he would like them to include the proposal information he passed out to them. Councilman Olson said the proposed zoning changes would permit and encourage businesses as it was intended to do. The proposal is for the Town Board to amend the current Zoning Ordinance, returning the land use regulations regarding Section 8.20 COMMERCIAL/RESIDENTIAL (CR) to what they were in the Zoning & Project Review Ordinance of October 1976, moving “Conditional Uses” to “Uses Permitted by Right”. ZO McMeekin said we do have residents living in the Commercial/Residential area and they should be able to have a say in what businesses will be located by them. Mr. McMeekin added that the people should be able to express their concerns instead of the Town just allowing these “uses permitted by right”. Councilman Hill said he would hope that our Planning Board and ZBA would not “shoot down” any possible business. Councilman Higgins said it isn’t that the Town would deny, but is asking the project sponsor to go through the regular process.

Mrs. Smith-Hayes suggested everyone read Section 9 of the Zoning Ordinance to get a better idea of the variance process.

#### **RESOLUTION NO. 26 OF 2007**

Messrs. Hill & Olson introduced Res. 26 and moved its adoption:

#### **RESOLUTION TO SET TWO PUBLIC HEARINGS FOR ZONING**

WHEREAS the Town Board wishes to bring to public hearing some proposed zoning changes and clarifications, AND

WHEREAS, there are two different areas of changes and having separate hearings would make it easier to address each change, NOW, THEREFORE BE IT

RESOLVED, that the Town Board wishes to set a public hearing on February 15<sup>th</sup> at 7:00 PM at the Community Center regarding proposed additions to the Town of Horicon Zoning & Project Review Ordinance concerning Definitions. The changes include adding a last sentence to the “Garage, Residential” definition and the addition of a new proposed definition “Garage, Commercial”, BE IT FURTHER

RESOLVED, that the Town Board wishes to set a second public hearing on February 15<sup>th</sup> at 7:15 PM at the Community Center regarding proposed changes to Section 8.20 of the Town of Horicon Zoning & Review Ordinance pertaining to “Land Use Regulations, Commercial/Residential (CR).

Ayes: 5 Nays: 0

Planning Board Meeting- Councilman Olson reported that the Planning Board Meeting last night did not have a quorum and could not take care of business. Councilman Olson made mention that some of the Boards members/alternate go south for part of the winter. ZO McMeekin said unfortunately a few of the members took the same month off, and one member who was in town forgot to show up. Counselor Schachner was asked if we could have more than one alternate. Upon checking our local law, nothing was mentioned

regarding having more than one. Messrs. Hill & Olson made a MOTION that the clerk advertise for one alternate for each Board, all ayes. Lease with Bernard Hill for use of space on highway property- Councilman Olson asked about liability issues. Counselor Schachner pointed out paragraph 6 of the lease draft, which covers that. The following Resolution was then introduced:

**RESOLUTION NO. 27 OF 2007**

Messrs. Higgins & Hill introduced Res. 27 and moved its adoption:

**RESOLUTION TO DECLARE PORTION OF HIGHWAY PROPERTY  
SURPLUS & AUTHORIZE SUPERVISOR TO SIGN  
LEASE FOR RENTAL TO BERNARD HILL**

RESOLVED, that the Town Board does hereby authorize Supervisor Ralph Bentley to sign an agreement to "Lease of Portion of Town of Horicon Highway Garage Property" with Bernard Hill. Agreement is subject to permissive referendum and will be advertised legally with a 30 day waiting period.

Hill-aye, Higgins-aye, Olson-aye, Hayes-aye, Bentley-aye  
RESOLUTIONS-

**RESOLUTION NO. 28 OF 2007**

Messrs. Hill & Higgins introduced Res. 28 and moved its adoption:

**RESOLUTION TO AUTHORIZE PAYMENT FOR TRUCK**

RESOLVED, that the Town Board does hereby authorize payment for the "One Ton Heavy Duty Dual Rear Wheel 4X4 Regular Cab and Chassis with Dump/Sander/Plow" as bid and awarded to Van Bortel Ford, Inc. of Victor, New York for the Bid price of \$53,990.00.

Hill-aye, Higgins-aye, Olson-aye, Hayes-aye, Bentley-aye

**RESOLUTION NO. 29 OF 2007**

Mr. Hill & Mrs. Hayes introduced Res. 29 and moved its adoption:

**RESOLUTION TO AWARD BIDS FOR SURPLUS HWY. EQUIPMENT**

WHEREAS, the Town Board advertised for bids for the following surplus highway equipment: 1992 Ford One-ton  
Old York Rake

AND

WHEREAS, bids were opened at 7:00 PM on January 16<sup>th</sup> at the Horicon Community Center, NOW, THEREFORE BE IT

RESOLVED, that the Town Board does hereby award the bids to the high bidder for each piece of equipment:

1992 Ford One-ton truck	Bobby Donahue	\$400.00
York Rake	Richard Smith, Jr.	\$215.33

Hill-aye, Higgins-aye, Olson-aye, Hayes-aye, Bentley-aye

**RESOLUTION NO. 30 OF 2007**

Mrs. Hayes & Mr. Hill introduced Res. 30 and moved its adoption:

**RESOLUTION TO AUTHORIZE ONLINE ACCOUNT  
MANAGEMENT WITH TD BANKNORTH, N.A.  
FOR TOWN OF HORICON ACCOUNTS**

RESOLVED, that the Town Board of the Town of Horicon hereby authorizes Dawn Higgins, Director of Finance for the Town of Horicon and Lauri Hughes, Bookkeeper, to execute and deliver the **Online Account Management Agreement for Small Government Banking Customers ("Agreement")** and, pursuant thereto, use computer banking to check balances and account information on the Municipality's deposit accounts with Financial Institution, transfer funds from the Municipality's deposit accounts to other deposit accounts of the Municipality, and to enter stop payment orders on the Municipality's checking accounts with Financial Institution and conduct any other activity authorized under the Agreement.

Hill-aye, Higgins-aye, Olson-aye, Hayes-aye, Bentley-aye

**RESOLUTION NO. 31 OF 2007**

Messrs. Olson & Higgins introduced Res. 31 and moved its adoption:

**RESOLUTION TO AUTHORIZE ATTENDANCE AT  
ASSOCIATION OF TOWNS MEETING AND TO  
APPOINT DELEGATE AND ALTERNATE FOR TOWN**

RESOLVED, that the Town Board does hereby authorize Paul Maniacek and Christine Smith-Hayes to attend the Association of Towns Meeting in New York City, February 18<sup>th</sup>-21<sup>st</sup>. The Town Board authorizes payment and reimbursement of expenses connected to said meetings, BE IT FURTHER

RESOLVED, that the Town Board does hereby name Paul Maniacek to cast the vote for the Town of Horicon and in the absence of Paul Maniacek the Town Board does hereby designate Christine Smith-Hayes to cast the vote for Horicon.

Hill-aye, Higgins-aye, Olson-aye, Hayes-aye, Bentley-aye

**RESOLUTION NO. 32 OF 2007**

Messrs. Higgins & Hill introduced Res. 32 and moved its adoption:

**RESOLUTION TO AUTHORIZE BUDGET AMENDMENT**

WHEREAS, the Town of Horicon is taking delivery of a 2006 one-ton Ford and proposes to use money from the Fund Balance to pay for said truck, NOW, THEREFORE BE IT

RESOLVED, that the following Budget Amendment be authorized:

Increase:	Appropriated Fund Balance (D599)	\$53,990.00
Increase:	Appropriations (960) (5130.2)	\$53,990.00

Hill-aye, Higgins-aye, Olson-aye, Hayes-aye, Bentley-aye

**RESOLUTION NO. 33 OF 2007**

Mrs. Hayes & Mr. Higgins introduced Res. 33 and moved its adoption:

**RESOLUTION TO APPOINT LIBRARY TRUSTEE**

RESOLVED, that the Town Board, upon recommendation of the Horicon Free Library Trustees, does hereby appoint Joyce Greenidge to serve as a Library trustee for a five year term. Term to expire on December 31, 2011.

Ayes: 5 Nays: 0

**RESOLUTION NO. 34 OF 2007**

Mrs. Hayes & Mr. Hill introduced Res. 34 and moved its adoption:

**RESOLUTION ESTABLISHING BONDING FOR  
TOWN OF HORICON EMPLOYEES FOR THE YEAR 2007**

WHEREAS, under Sec.25 of Town Law, the Town Board is required to set the amounts of a Blanket Bond for Town Officers & Employees by Resolution, AND

WHEREAS, the Town of Horicon is insured for bonding of all its employees, NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Horicon establishes the following limits of insurance:

Public Employee dishonesty bond-per employee	\$10,000.00
Additional indemnity-specified positions	
Town Supervisor	\$30,000.00
Deputy Supervisor	\$30,000.00
Town Clerk	\$30,000.00
Tax Collector	\$310,000.00

Public Officials Liability Policy: Provides coverage for "errors or omissions" for which the public officials are found liable.

Each claim limit	\$1,000,000
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Annual Aggregate        \$1,000,000

BE IT FURTHER

RESOLVED, that the Town Clerk of the Town of Horicon is hereby instructed to file a copy of this Resolution with the Warren County Clerk.

Hill-aye, Higgins-aye, Olson-aye, Hayes-aye, Bentley-aye

**RESOLUTION NO. 35 OF 2007**

Members of the Horicon Town Board introduced Res. 35 and moved its adoption:

**RESOLUTION OF APPRECIATION TO DR. ELLEN PERCY KRALY  
AND STUDENTS FROM COLGATE UNIVERSITY'S UPSTATE INSTITUTE**

WHEREAS, the Town of Horicon Planning Board instituted a community-wide project to create an updated Comprehensive Master Plan for the Town, AND

WHEREAS, a very substantial part of this project was to find just the right people to work with the members of the community and the steering committee to collect data and conduct focus groups, AND

WHEREAS, Dr. Ellen Percy Kraly, Director, from the Upstate Institute of Colgate University selected a team of students to come to the Town of Horicon and conduct the focus group sessions, gathering input regarding concerns and suggestions from the people of Horicon as to what they visualize for the future of our Town, AND

WHEREAS, the four students: Jane Phelan; Erica Colaiacomo, Meg Reed and Donald Boyajian were so well suited to the task at hand and interacted in a special way with the focus groups that the Town Board wishes to recognize their contribution, NOW THEREFORE, BE IT

RESOLVED, that the Town Board, on behalf of the people of Horicon, wishes to send to Dr. Percy Kraly, and Jane, Erica, Meg and Donald their "THANKS" and appreciation for their dedication to the project and their affability in carrying it out, BE IT FURTHER

RESOLVED, that the Town Clerk be, and she hereby is directed by the Town Board to forward a copy of this Resolution to each member of this group along with their "BEST WISHES".

Ayes:    5        Nays:    0

**PRIVILEGE OF FLOOR-**

APA Paperwork- ZO McMeekin said that he would like to ease some people's minds regarding sending all paperwork to the APA. Mr. McMeekin said "we only send required paperwork to the APA, nothing is sent that is not necessary".

Highway Building Report- Mr. Balz said that even though the Board had a sample of colors of stonework for the garage Joe Metzger will probably suggest colors for the materials. Mr. Balz suggested giving Mr. Metzger some space and not to pick any colors at this time.

This being all the business to attend to, the meeting was adjourned at 8:15 PM by MOTION of Messrs. Olson & Hill, all ayes

Respectfully submitted:

Arlene Mayer